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Attorney's Docket 060256-0257637
Client Reference: T298055US/PYK/KOP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: ANTTI TOSKALA ET AL.

Confirmation Number: 1198

Application No.: 09/486,821

Group Art Unit: 2661

Filed: March 2, 2000

Examiner: Nguyen, Brian D.

For: DATA TRANSMISSION METHOD AND MOBILE TELEPHONE SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE		ADDIT. FEE
TOTAL	56	–	56	=	0	x $	18.00	=	$ 0.00
INDEP.	3	–	3	=	0	x $	86.00	=	$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ $	290.00	=	$ 0.00
							TOTAL ADDITIONAL CLAIM FEE		$ 0.00
							GRAND TOTAL		$ 0.00

FEE PAYMENT

Authorization is hereby made to charge the amount of $0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: January 30, 2004

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102
(703) 905-2143

CHRISTINE H. MCCARTHY
Reg. No. 41844

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N.E.

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Title: DATA TRANSMISSION METHOD AND MOBILE TELEPHONE SYSTEM

REQUEST FOR RECONSIDERATION

Box AF
Commissioner for Patents
P.O.Box 1450
Alexandria,VA 22313-1450

Sir:

In response to the Office Action dated November 4, 2003, please reconsider the patentability of the pending claims based on the following remarks. Claims 1-56 are pending.

The Office Action rejected claims 1-15, 17-40 and 42-46 under 35 U.S.C. §103 as being unpatentable in view of Allpress et al. (US 5,920,552; hereafter "Allpress") or Sato (US 6,130,884) in view of Stewart et al. (US 6,009,091; hereafter "Stewart"). Claims 16 and 41 have been rejected under 35 U.S.C. §103 based on Allpress or Sato in view of Stewart and Ovesjo (US 6,542,484).

Applicants traverse the rejections because the cited prior art, analyzed individually or in combination fails to teach or suggest all the features recited in the rejected claims. For example, the combined teachings of the cited prior art fail to teach or suggest a method for transmitting data from a radio network subsystem to user equipment in a mobile telephone system, the method wherein "**each control channel frame indicates the spreading code** with which a corresponding traffic channel frame is spread when transmitted", as recited in independent claim 1 and its dependent claims. Similarly, the combined teachings of the cited prior art fail to teach or suggest a radio network subsystem "adapted to indicate **in each control channel frame the spreading code** with which a corresponding traffic channel frame is spread when transmitted", as recited in independent claim 26 and its dependent claims. Further, the combined teachings of the cited prior art fail to teach or suggest user

equipment which is "adapted to read **from each control channel frame the spreading code** with which a corresponding traffic channel frame is spread", as recited in independent claim 51 and its dependent claims.

The Office Action recognized and acknowledged that neither Allpress nor Sato teach or suggest each control channel frame indicating the spreading code with which the corresponding traffic channel is spread when transmitted. However, the Office Action asserted that Stewart remedies this deficiency by allegedly teaching the limitation at step 205 of Figure 1 of Stewart as well as the textual passages at col. 1, lines 41-63, col. 3, lines 62-67 and col. 4, lines 38-51). However, the Office's analysis of Stewart is incorrect and its statement of Stewart's alleged teachings is inaccurate.

Stewart merely teaches on the subject of technology and methodology useful for **uplink** (i.e., from the mobile station to the base station link) structure (see, for example, col. 1, lines 13-15) of DPCCH (Dedicated Physical Control Channel) and DPDCH (Decicated Physical Data Channel). In the uplink direction, information (i.e., the Rate Indicator field 205 in Figure 2) on the DPCCH indicates the data rate of the DPDCH. However, in Stewart, this data rate information automatically defines the spreading code of the DPDCH. Therefore, there is no need, and therefore Stewart fails to teach or suggest, also transmitting information indicating the spreading code to be used. In fact, Stewart teaches that the spreading code may be either built permanently into the mobile station (at the time of the manufacture) or may be assigned as part of a network signaling protocol executed before or during location estimation (see Stewart, col. 5, lines 53-62).

To the contrary, the claimed invention is directed to technology and methodology for **downlink** (e.g., from the radio network subsystem to the user equipment link). In the downlink, terminals have a DCH (Dedicated Channel), consisting of time multiplexed DPCCH and DPDCH, which themselves similarly require data rate information. However, in the claimed invention, the downlink must also provide information indicating the spreading code. This is because there are several alternative spreading codes that may be used for the same data rate, while in the uplink the same spreading code is always used for a given data rate due to the structure of the uplink.

As a result, in the uplink of Stewart, only rate information is provided because the rate information determines the spreading code to be used; however, in the downlink of the current invention the definition of the rate information is not enough as a certain data rate can be achieved with several different spreading codes, and therefore in the current invention the used spreading code needs to be transmitted.

Ovesjo similarly fails to further remedy the cumulative deficiencies of Allpress, Sato and Stewart because Ovesjo merely discloses details of dealing with sub-code tree congestion. Therefore, Ovesjo provides no teaching or suggestion of a system or method wherein each control channel frame indicates with which spreading code a corresponding traffic channel is spread.

Therefore, the independent claims 1, 26 and 51, and their dependent claims, are patentable over the combined teachings of Allpress, Sato, Stewart and Ovesjo. All objections and rejections having been addressed, Applicants request immediate issuance of a Notice of Allowance allowing all pending claims. However, if anything is necessary to place the application in even better condition for allowance, Applicants request that the Examiner phone their undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP LLP

CHRISTINE H. MCCARTHY
Reg. No. 41844
Tel. No. (703) 905-2143
Fax No. (703) 905-2500

Date: January 30, 2004
P.O. Box 10500
McLean, VA 22102
(703) 905-2000